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*Attorney for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

CUSTODIA BANK, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Number: 22-cv-00125-SWS
	)	
FEDERAL RESERVE BOARD OF	)	
GOVERNORS and FEDERAL RESERVE	)	
BANK OF KANSAS CITY,	)	
	)	
Defendants.	)	

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**PLAINTIFF CUSTODIA BANK, INC.’S  
UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES IN ITS OMNIBUS OPPOSITION /  
REPLY BRIEF AND OPPOSITIONS TO THE FEDERAL RESERVE BANK OF KANSAS CITY’S  
MOTIONS TO EXCLUDE PLAINTIFF’S EXPERT WITNESSES**

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Plaintiff Custodia Bank, Inc. (“Custodia”) respectfully submits this unopposed motion for leave to file its Omnibus Opposition / Reply Brief (“Omnibus Opposition / Reply Brief”), Opposition to the Federal Reserve Bank of Kansas City’s Motion to Strike Reports and Exclude the Testimony of Katie S. Cox (“Cox *Daubert* Opposition”), and Opposition to the Federal Reserve Bank of Kansas City’s Motion to Strike Reports and Exclude the Testimony of Professor Peter Conti-Brown (“Conti-Brown *Daubert* Opposition”) that are no longer than 45, 16, and 15 pages in length, respectively. In support of its motion, Custodia states as follows:

1. On November 27, 2023, the parties filed a Joint Motion and Stipulation to Align and Consolidate APA and Summary Judgment Briefing (“Joint Stipulation”). (ECF No. 219.) Under the Joint Stipulation, the parties asked the court to amend the Second Amended Scheduling Order (ECF No. 211) “so that the appellate briefing dates align with the dispositive motion briefing dates.” (ECF No. 219 ¶ 5.) The parties further stipulated that “[i]f the current scheduling order is so amended, the parties intend to move the court for a page extension on the combined briefing at a later date.” (*Id.* ¶ 5.) On December 20, 2023, the Court granted Plaintiff’s Unopposed Motion for Leave to File Excess Pages, permitting Custodia to file an omnibus brief no longer than 55 pages in length. (ECF No. 235.) On January 24, 2024, the Court granted Defendants Unopposed Motion for Leave of Court to File Briefs in Excess pages, permitting the Board of Governors of the Federal Reserve System (“Board”) to file an opposition brief no longer than 45 pages in length and permitting the Federal Reserve Bank of Kansas City (“Kansas City Fed”) to file a cross-motion for summary judgment and two motions to exclude Plaintiff’s expert witnesses no longer than 50 and 15 pages (per each motion to exclude) in length, respectively. (ECF No. 264.)

2. Pursuant to Local Rule 7.1(b)(2)(B), Custodia’s opposition to the Kansas City Fed’s Cross-Motion for Summary Judgment (*see* ECF Nos. 272, 273) would be limited to 25 pages.

3. Pursuant to Local Rule 7.1(b)(2)(C), Custodia’s reply to the Board’s Opposition to Plaintiff’s Petition for Administrative Procedure Act Review (*see* ECF No. 271) would be limited to 10 pages.

4. Pursuant to Local Rule 7.1(b)(1)(C), Custodia’s oppositions to the Kansas City Fed’s motions to exclude (*see* ECF Nos. 267, 269) would each be limited to 10 pages.

5. In order to fully brief the Court on the relevant case-dispositive issues, Custodia requests permission to file an Omnibus Opposition / Reply Brief addressing both the Board's opposition and the Kansas City Fed's cross-motion for summary judgment that is no longer than 45 pages.

6. In order to fully brief the Court on the relevant issues, Custodia requests permission to file its Cox *Daubert* Opposition and Conti-Brown *Daubert* Opposition that are no longer than 16 and 15 pages, respectively.

7. Counsel for Custodia has met and conferred with Defendants' counsel regarding the requested page limits, and Defendants' counsel have consented to the requested relief.

WHEREFORE, Custodia respectfully moves the Court for leave to file its Omnibus Opposition / Reply Brief, Cox *Daubert* Opposition, and Conti-Brown *Daubert* Opposition of no more than 45, 16, and 15 pages in length, respectively.

DATED this 15th day of February, 2024.

CUSTODIA BANK, INC., Plaintiff

By: /s/ Scott E. Ortiz  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served this day of February 15, 2024, addressed to:

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